

REMARKS

Claims 1-3, 17-18, 45-51, and 68-74 are pending in the present application. Claims 4-16, 19-44, and 52-67 have been cancelled. Claims 1-3, 17, 18, and 68 are allowable. Claims 45, 46, 47, 49, 51, 69, 71, 73, and 74 were amended to address formal issues in order to clarify the claims. Support for the amendments is provided throughout the specification including original claims, and as well as definitions of acronyms “IL-TIF” and “CRF2-4” cited throughout the specification commonly known to one of skill in the art. The instant claims are drawn to zcytor16 polypeptides and related inventions. No new matter was added by these amendments. Applicant believes the case is in proper condition for allowance.

A. Rejection of Claims 45-51, 69, and 70-74 under 35 U.S.C. §112, Second Paragraph

Claims 45-51, 69, and 70-74 were rejected under 35 U.S.C. §112, second paragraph, as “being indefinite for failing to point out and distinctly claim the subject matter which the applicant regards as the invention.” (OA, P. 2) Applicant has amended the claims to address the formal issues presented by the Office. Applicant believes this rejection is moot as applied to the instant claims. Applicant believes that the instant claims 45-51, 69, and 70-74 point out and distinctly claim the subject matter of the invention, as required by 35 U.S.C. §112, second paragraph, and that this rejection should be properly withdrawn.

(a) Claims 45, 49, and 71

The Office states “although the claims recite that the polypeptide of SEQ ID NO:48 is part of the claimed receptor complex, these claims fail to recite what are the other components of said receptor complex. Appropriate correction is required.” (OA, p.2) Applicant has amended claims 45, 46, 47, 49, and 71 to clarify that other components of said receptor complexes “comprise” components that are “cytokine” receptors. Consequently, Applicant has defined the components of said complexes rendering this rejection moot. Applicant believes that the instant claims 45, 49, and 71, and dependent claims 46, 48, 50, 70, and 72 thereon point out and distinctly claim the subject matter of the invention, as required by 35 U.S.C. §112, second paragraph, and that this rejection should be properly withdrawn

(b) Claims 69, 73, and 74

The Office submits that the recitation of “IL-TIF” is indefinite, and that recitation of the full name of the cytokine would obviate this rejection. (OA, p.2) Applicant has amended claims 69, 73, and 74 to recite the name of IL-TIF, (a.k.a. IL-22) commonly known to one of skill in the art as “IL-10-Related T Cell –Derived Inducible Factor (IL-TIF).” See, for example, Dumoutier L., et al. Journal of Immunology 164: 1814-1819, 2000 of record as provided in the Information Disclosure Statement filed on April 24, 2003. Copies of these references were not provided in this action as they are of record; however, Applicant will gladly provide another copy at the Examiner’s request. No new matter was provided by this amendment. Applicant believes that the instant claims 69, 73, and 74 point out and distinctly claim the subject matter of the invention, as required by 35 U.S.C. §112, second paragraph, and that this rejection should be properly withdrawn.

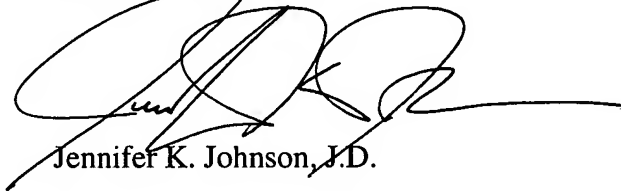
(c) Claims 47 and 51

The Office submits that the recitation of “CRF2-4” is indefinite, and that recitation of the full name of the cytokine receptor would obviate this rejection. (OA, p.3) Applicant has amended claims 47, and 51 to recite the name of CRF2-4, (a.k.a. IL-10R β) commonly known to one of skill in the art as “Cytokine Receptor Family 2-4 (CRF2-4).” See, for example, Dumoutier, L et al., J. Immunol. 166:7090-7095, 2001 of record as provided in the Information Disclosure Statement filed on April 24, 2003. A copy of this reference was not provided in this action as they are of record; however, Applicant will gladly provide another copy at the Examiner’s request. No new matter was provided by this amendment. Applicant believes that the instant claims 47, and 51 point out and distinctly claim the subject matter of the invention, as required by 35 U.S.C. §112, second paragraph, and that this rejection should be properly withdrawn.

Early reconsideration and allowance of the pending claims is respectfully requested. If the Patent Examiner believes that a telephone interview would expedite prosecution of this patent application, please call the undersigned at (206) 442-6676.

Respectfully Submitted,

Scott R. Presnell et al.

A handwritten signature in black ink, appearing to be 'Jennifer K. Johnson', written over the printed name.

Jennifer K. Johnson, J.D.

Registration No. 43,696

Enclosures:

Amendment Fee Transmittal (in duplicate)

Petition and Fee for 1 Month Extension of Time (in duplicate)

Postcard